

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CATHI CLEVEN and TARA CLEVEN, §  
ARELI ARELLANO and JOE L. MARTINEZ, §  
for themselves and all others similarly situated, §

Plaintiffs,

V.

MID-AMERICA APARTMENT  
COMMUNITIES, INC. and MID-AMERICA  
APARTMENTS, L.P., et al.

Defendants.

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CASE NO. 1:16-CV-00820-RP

**PLAINTIFFS' UNOPPOSED MOTION TO CLARIFY OR CORRECT  
CLASS CERTIFICATION ORDER DATED SEPTEMBER 5, 2018 (DKT. 208)**

The Court issued its Order on September 5, 2018 overruling Defendants' objections to Judge Lane's R&R dated May 22, 2018, adopting the R&R, and certifying the proposed Class in this case (Dkt. 208).

The Class Definition contains a class period, which is defined in the Order. On page 3 of the Order, the Court noted that Plaintiffs' proposed class period began on June 29, 2012. The Court cited to Plaintiffs' opposed motion for class certification (Dkt. 126), which similarly proposed a class period beginning on June 29, 2012 (four years before the case was filed on June 29, 2016). Dkt. 126 at 2

On page 23 of the Order, however, the Court defined the class period as beginning on April 10, 2013, not June 29, 2012. Dkt. 208 at 23.

The April 10, 2013 date is the beginning of the class period proposed in the related *Brown v. MAA* case (Case No. 1:17-CV-00307-RP), which this Court also certified on September 5, 2018 (*Brown*, Dkt. 97).

Plaintiffs respectfully ask the Court to clarify the Order in this case to define the class period as “June 29, 2012, through September 30, 2017.”

This request for clarification of the Order is unopposed by Defendants, though they wish to note their continued opposition to certification of any class in this case.

### **CONCLUSION AND PRAYER**

Plaintiffs respectfully ask the Court to clarify the class period on page 23 of the Order (Dkt. 208) as it deems appropriate in the interest of justice.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS AND THE CLASS

**CERTIFICATE OF SERVICE**

I certify that on September 12, 2018, I caused the foregoing document to be electronically filed with the Clerk of the Court pursuant to the Electronic Filing Procedures and using the CM/ECF system, and that a true and correct electronic copy was thereby caused to be served on Defendants by and through their counsel of record.

/s/ Britton D. Monts  
Britton D. Monts

**CERTIFICATE OF CONFERENCE**

I certify that on September 12, 2018, I conferred with Defense counsel on the matters released herein, and they are unopposed to the relief sought.

/s/ Britton D. Monts  
Britton D. Monts